Chapter 5
Ṣan'ā' the 'Protected', *Hijrah*

In the pre-Islamic inscriptions, as already seen, Ṣan'ā' is designated as a *hajar*, defined as a *qaryah*, i.e. village, town, in Ḥimyar dialect by al-Hamdānī;[1] but Nashwān b. Sa'īd[2] says, (significantly in view of what follows), 'The *hajar* of the tribe (*qawm*) is the place of their honour (*'izz*) and assembly (*ijtimā'*).' A single inscription designates both Ṣan'ā' and Ma'rib as *maḥrams*, a place kept inviolate. It is a pity so few inscriptions relating to Ṣan'ā' have, as yet, come to light, but both terms, *hajar* and *maḥram* are full of import for understanding the true status of Ṣan'ā' before and after Islam.

The sacred enclaves, *ḥaram* and *ḥawṭah*,[3] have been discussed in earlier writings, as also the little known but undoubtedly ancient Yemeni institution called *hijrah*[4] that resembles them in a number of respects. The question here is whether, before Islam, Ṣan'ā' had something of the nature of the *ḥaram* of Mecca. I am persuaded that it had, in view of the evidence to this effect marshalled below, but the Meccan *ḥaram* and Ḥaḍramī *ḥawṭah* flourished in territories and with societies closely similar—whereas the Yemen is endowed with a natural richness, and was in antiquity more complex and culturally advanced than either. Caution is therefore necessary in drawing parallels.

To digress briefly before launching into this topic, it is suggested that the 'army lands' (*araḍāt al-khamīs*) (p.37b) may well be identifiable in the case of Ṣan'ā', with the Ṣāfiyah,[5] irrigated lands outside the Ṣan'ā' wall to the south, once held by the Sasanian Lord of Ṣan'ā', Bādhān, and arrogated to the Islamic state by 'Umar b. al-Khaṭṭāb after Bādhān's death.

The Meccan *ḥaram* was protected by God from its enemies, and would-be violators of its sacred territory repelled by agencies backed by a supernatural power. Medina also proved its sacred and inviolate character by repelling the Prophet Muḥammad's foes at the episode of the 'Trench'. For the protection accorded by God to Mecca we have the authority of the Qur'ān; for Ṣan'ā' 's, claims to be protected in a similar context we have traditional material ascribed to the first century Traditionist of Ṣan'ā', descended from the Persian Abnā', Wahb b. Munabbih. According to Wahb, Ṣan'ā' was 'preserved/protected' *before Islam*.

When a Meccan had defiled Abrahah's church (al-Qalīs) in Ṣan'ā', the Abyssinians, as the histories tell us, marched against Mecca with an Elephant. This is alluded to in the brief *sūrah* cv of the Qur'ān, to which Professor 'Irfān Shahīd[6] has proposed (reviving an old tradition) the following *sūrah* cvi must be annexed—this makes excellent sense textually. 'Did you not see how your Lord did with those of the Elephant? Did he not cause their evil intention (*kayda-hum*)[7] to go astray?' The *sūrahs* speak of the predatory birds and how they dealt with the bodies of the dead would-be assailants of holy Mecca, then goes on to urge Quraysh to thank the Lord of this House (Bayt—the Ka'bah) for feeding them, and for protecting them against insecurity.

The story with which Wahb[8] is credited runs, 'None, in the Jāhiliyyah and in Islam, intended evil (*sū'*) against Ṣan'ā' but God threw back his evil intention (*kayd*) against his (own) chest.' Al-Rāzī who reports the Wahb tradition, goes on to remark that in Islam the Ṣan'ānī Mashāyikh used to say that it is a preserved town (*qaryah maḥfūẓah*).[9]

This is substantiated by another story likewise credited to Wahb,[10] 'I have heard that Hamdān, in the Jāhiliyyah, intended to raid Ṣan'ā', and, while they were at Ta'ūd[11] in al-Bawn, up came a gazelle, and one of them took it. Others said, "We took it." And yet others, "We took it." So they fell to fighting and a great massacre among them took place, then they separated and departed.' An expanded version of the same tale[12] has a bird drop a minatory message on them, following which a gazelle suddenly emerges froms a pass (*shi'b*)—they shoot at it and thereafter set to quarrelling. It is perhaps no accident that these Hamdānīs are depicted as distracted by an animal of the deer family, associated with the ritual hunt once known to these parts of the northern Yemen.[13]

Another very significant item of information cited by al-Rāzī[14] states that 'Ṣan'ā' has indeed a *ḥimā*, from about the west part

1 Al-Hamdānī, *Ṣifah*, ed. Müller, Leiden, 1884-91, 86. Cf. al-Hamdānī, *Iklīl I, ed. Muḥ.* al-Akwa', Cairo, 1963, (1st ed.), II, 317, *'Al-ḥajar sūr yajma'u quṣūr-an, wa-'l-ḥajar bi-'l-Ḥimyariyyah al-qaryah wa-'l-quṣūr al-multaffah.'* Ḥamad al-Jāsir, *Abū 'Alī al-Ḥajarī*, al-Riyāḍ, 1968, 16, quoting al-Hajarī's *al-Ta'liqāt wa-'l-nawādir, 'Naḥnu nartāf al-rīf wa-naḥtajir al-maḥjar—wa-ḥajaru-nā Najrān, wa-yaqūlu-hā Naḥdī, 'Wa-kull balad tamtāru-hu bādiyah fa-huwa ḥajaru-hum.'*

2 *Die auf Südarabien bezüglichen Angaben Našwān's im Šams al-'ulūm*, ed. 'Azīmuddīn Aḥmad, Leyden-London 1916, 108.

3 'Ḥaram and Ḥawṭah, the sacred enclave in Arabia' in *Mélanges Taha Husain*, ed. Abdurrahman Badawi, Cairo, 1962, 41-58.

4 Cf. the writer's introduction to A. J. Arberry and C. F. Beckingham, *Religion in the Middle East*, II, *Islam*, Cambridge, 1969, 9.

5 Cf. Ibn al-Athīr, *al-Nihāyah*, Cairo, 1311 H, II, 268, *Al-ṣafiyy mā kāna ya'khudhu-hu ra'īs al-jaysh wa-yakhtāru-hu li-nafsi-hi min al-ghanīmah..... Al-ṣawāfī al-amlāku wa-'l-arāḍī 'llatī jalā'an-hā ahlu-hā aw mātū wa-lā wāritha la-hā*

6 Paper delivered at the Arabian Seminar, London, 1975.

7 Ibn al-Athīr, IV, 41, *kayd = ḥarb. Kāda-hā arāda-hā bi-sū'-in.*

8 Al-Rāzī, *Ta'rikh madīnat Ṣan'ā'*, Damascus, 1947, 40, 261.

9 Al-Hamdānī, *Iklīl* VIII, ed. al-Kirmilī, Baghdad, 1931, 27-8, in identical terms to al-Rāzī.

10 Al-Rāzī, op. cit., 33.

11 This place Ta'ūd is not known to al-Hamdānī's *Ṣifah*, and the name may be fanciful. Al-Rāzī quotes an explanation (op. cit., 34) that it was so called because they returned from it (*'ādū*) time after time!

12 Loc. cit. Cf. al-Wāsi'i, *al-Badr al-muzīl*, Cairo, 1345 H, 5.

13 Cf. the writer's *South Arabian Hunt*, London, 1976, 8, 75.

14 Op. cit., 45.

(*maghrib*) of it, like the *ḥimā* of the Ḥaram.' A *ḥimā* is known in its sense of a protected pasture from the pre-Islamic era, and in those days interdicted grazing lands were apparently sometimes linked with religious cults like the Maḥmā of Ta'lab at Ghūlah of al-Bawn,[15] and this may have had part of the nature of a *ḥaram*, that is in the sense of the Meccan *Ḥaram*. A verse of Aḥmad b. 'Īsā al-Radā'ī, in an age preceding al-Hamdānī who quotes, *in extenso*,[16] his *Urjūzat al-Ḥajj*, (a poem of a quality so near to tribal poetry today), strongly supports this. Describing Ṣan'ā', he says,

A land of power/authority; he errs who would compare
Ground at Ṣan'ā' with its foundations laid
Countless (years) ago, the friendly (*anīs*) *ḥaram*,[17]
Ground upon which stand Ghumdān and al-Qalīs.

Al-Hamdānī calls Ghumdān and al-Qalīs the two *maḥfids* of Ṣan'ā', royal castles, forts. The emphasis on the protection accorded by Ṣan'ā' is further confirmed by an allusion of al-Radā'ī, in an earlier verse, to the *'iṣmat al-ma'zūl*, the protection of the person in danger (*khā'if*).[18]

In point of fact, were one asked to suggest where the pre-Islamic *maḥram* of Ṣan'ā' was located, the obvious answer would be in the old western sector containing the Christian church, Ghumdān palace, and later the Jāmi'Mosque, and we consider that the town may have still ended about this Quarter at the time when it became converted to Islam.

To revert however to al-Rāzī[19]—he quotes a number of Traditions on the special 'preserved/protected' status of the city. 'Five cities are preserved (*maḥfūẓāt*)' and one of these is Ṣan'ā'. A contrary dictum, no doubt spuriously, ascribed to the Prophet himself, defines the 'preserved' cities as four—Mecca, Medina, Najrān, Aelia (Capitolina—Jerusalem), while the cursed (*mal'ūnāt*) are Ṣan'ā' and Bardha'ah (in Arrān, Persia), and those overthrown by God (*al-mu'tafakāt*) include such south Arabian towns as Ṣa'dah, Khaywān and Aden—al-Shiḥr is singled out as being two of the doors of Jahannum! This legend possibly makes some historical sense if taken in conjunction with a rather cryptic anecdote cited by al-Rāzī.[20] The Umayyad Caliph 'Abd al-Malik, enquiring of a man at his *majlis* unknown to him, learned that he was of the people of Ṣan'ā'. He then asked, 'Are you from its *qaṣabah* (fortress,[21] capital) ?' 'Yes', the man replied. 'Abd al-Malik said, 'Well, that is a preserved *qaṣabah* (*maḥfūẓah*)—what of you are beyond Ṣan'ā'?'[22] So he told him, and 'Abd al-Malik said, 'That is a village upon which is the wrath of God—what of you comes after Ḥaḍūr?' So he told him. 'Abd al-Malik then called these latter the Sinai-ites—presumably the worshippers of the Golden Calf. Since it was during 'Abd al-Malik's reign that the Khawārij conquered southern Arabia these quotations distorted and jumbled as they seem may reflect perhaps memories of northern anti-Khawārij feeling at that time. On the other hand the latter anecdote may simply be directed against the Banū Shihāb of Ḥaḍūr,[23] in which case it may reflect the anti-Banū Shihāb sentiments of the Abnā' inhabitants of Ṣan'ā'.

There was evidently some controversy, possibly in the city itself it would seem, about its status, for al-Rāzī[24] quotes what must be the gist of an argument, 'If anyone says, "How can Ṣan'ā' be preserved (*maḥfūẓah*) as has been narrated when it has been violated (*ubīḥat*) numerous times, that having been witnessed of those who wished to do that to it like al-Faḍl al-Qarmaṭī when he violated it on behalf of the Qarmaṭians, driving out its inhabitants and plundering its properties? This demonstrates that the narration (*riwāyah*) that it is preserved is not authentic!"—(it may be answered that) Medina was also violated and Mecca was also violated as it (Medina) was.'

Protection by Allāh of a *ḥaram* or *ḥawṭah* by means supernatural goes concurrently with protection of it by the surrounding tribes that have entered into an agreement with the Lord, or Lords, of the enclave to maintain its inviolability internally by the prohibition of any warlike action or aggression within its boundaries, and to defend it from external aggression.[25]

A verse of al-Radā'ī's *Urjūzah*,[26] probably composed in the 3rd/9th century, names Ṣan'ā' 's protectors in those days,

In time should it so befall her that the fear
Of foe malevolent perturb her—then
Two tribes straightway arise in her defence,
Qaḥṭān and, of Sāsān, the free tribesmen.[27]

That is to say that the Banū Shihāb, the large tribal confederation of Ḥaḍūr, west of Ṣan'ā', and the Abnā' of mixed Persian and Arab descent, but free tribesmen (*aḥrār*—the term is used in earlier times of the same class at Najrān), settled in Ṣan'ā' (but also in Dhamār etc.) will unite (presumably) to defend the city.

Under the heading of towns (*qurā*) of which the population is split into two opposing parts, Hamdānī[28] includes Ṣan'ā' as divided between the Shihābiyyūn and the Abnā'. 'Whoever is affiliated to Nizār (*tanazzar*) there enters with the Abnā', and the people of the town (*balad*) and those affiliated to Qaḥṭān (enter) with the Banū Shihāb.' The Abnā' would seem to have affiliated to the northern Arabs by joining the Prophet Muḥammad. To judge however by the mixed speech of the city its population was varied. 'Among the people of Ṣan'ā' are the vestigates of pure Arabic (*al-'Arabiyyah al-maḥḍah*) and fragments (*nubadh*) of the speech of Ḥimyar. The town of Ṣan'ā' is of various languages and dialects (*lughāt wa-lahajāt*)—each area (*buq'ah*) has a *lughah* (dialect/language), and anyone near Sha'ūb differs from the lot.'[29]

Hijrah

Sufficient indication has been given by the few pre-Islamic inscriptions available, and early Arabic sources, of Ṣan'ā's special status. Arabic authors also speak of *Ṣan'ā' al-maḥmiyyah billāh*, Ṣan'ā' the protected by God, but then they also refer to most towns, perhaps even smaller places, as *al-maḥrūsah* with the same sense, and this is no doubt merely a convention.

It is stated by various Yemeni men of learning we have consulted that Ṣan'ā' is *muhajjarah*, and this introduces a much wider concept of its standing than the rather bald allusion earlier sources make to it as *maḥram*, *ḥimā*, *ḥaram*, or *maḥfūẓah*. The Yemenite *hijrah* must be linked with the Prophet's *hijrah*, as I have suggested, usually rendered as 'emigration' (by older Western scholars as 'flight'), but properly speaking Muḥammad's *hijrah* chiefly involves the concept of seeking protection with powerful armed tribes, even if *hijrah* does mean one's physical transference from one place to another. The following description of the process, given me about 1964 or 1966, should assist to clarify it.

'Sometimes the tribes agree upon the *tahjīr* of a town—that war should not take place inside it, nor should there be aggressive

15 Op. cit., 75, 112.
16 *Ṣifah*, ed. D. H. Müller, 240; ed. Qāḍī Muḥammad al-Akwa', Beirut, 1974, 408.
17 Al-Akwa''s reading *al-ḥaram al-anīs* is to be substituted for D. H. Müller's *al-ḥurm wa-'l-anīs* which does not seem to make much sense—the metre accepts either reading.
18 The poet in using the word *ma'zūl* would be aware of Ṣan'ā' 's older name Uzāl. The same root is found in the name of the joint king Ya'zal Bayyin supra. Al-Rāzī says Ṣan'ā' was called Uzāl till the Abyssinians entered it.
19 Ibid, 41, 260.
20 Ibid, 247.
21 *Qaṣabah* is in this sense of fortress synonymous with the name Ṣan'ā'.
22 A village adjoining Ḥaddah of the Banī Shihāb.
23 This is plain from the version of the story given by al-Rāzī on p. 263.
24 Loc. cit.
25 Cf. 'Ḥaram and ḥawṭah', 45.
26 *Ṣifah*, 241.
27 *In rāba-hā min ḥadathi 'l-zamāni*
Raybu 'aduww-in ḥaribi 'l-aḍghāni
Qāma fa-ḥāmā dūna-hā ḥayyāni
Qaḥṭānu wa-'l-aḥrāru min Sāsāni
28 *Ṣifah*, 124.
29 Ibid, 135.

action (*i'tidā'*) against it, even though their enemies be inside it.' It was commented that it would be a shameful act (*'ār*) to attack one's foe in a town protected thus.

If we were to suppose that the avenger of blood (*ṣāḥib al-tha'r*) discovered a murderer in the protected town (*al-madīnat al-muhajjarah*), it is not proper for him to take the vengeance for his slain (relative) inside it—or else he commits a deceit/treachery (*'amal khada'-an*) and he is obliged to restore the town's inviolability[30] (*yuhajjir al-madīnah*), and give it satisfaction in accordance with customary law (*'alā ḥasb al-'urf*). For the most part, the place of abode of those persons who are protected (*muhajjarīn*) may be (part) of the protected town (*al-madīnat al-muhajjarah*)—like Āl al-Kibsī (in al-Kibs), Āl al-Shāmī in Jaḥānah[31] and Bayt al-Mutawakkil at Shahārah. Basically (*fi 'l-aṣl*) Ṣan'ā' is protected by all the tribes (*muhajjarah min jamī' al-qubul*) that are around it, and it follows (*tābi'ah*) Sinḥān basically.[32]

The Sayyid who gave me this definition of the *hijrah* and *muhajjar* then remarked, 'The Allegiance of al-'Aqabah—that is *hijrah* (*Bay'at al-'Aqabah hiya 'l-hijrah*).' This spontaneous recognition by a highly educated Yemeni Sayyid that the agreement of al-'Aqabah concluded by his ancestor the Prophet Muḥammad with certain of the tribal chiefs (*naqībs*)[33] of Yathrib (later Madīnat al-Nabiyy, the Town of the Prophet) is identical with *hijrah* is in itself impressive evidence of the sense of continuity of this institution from olden times.

He further commented that the noted Mashāyikh family, Bayt al-Aḥmar, are '*hijrat Ḥāshid*', i.e. that Ḥāshid accorded them protection (*hajjarū-hum*), *hijrah*-protection being received by inheritance (*tūkhadh al-hijrah bi-'l-wirāthah*). They were, he said, *fuqarā'*, in the sense of *faqīr 'ālim* learned *faqīrs*, before they became Mashāyikh. When tribes protect (*yuhajjir*) a Sayyid or some other person, he remains above the level of hostilities (*fawq mustawā al-khuṣūmāt*) and (in the case of persons of standing of course) he remains as a place of reference when there are quarrels (*marja' 'ind al-khuṣūmāt*)—in other words he acts as arbiter. Such a person is under no obligation to share in contributions made by the tribe for one purpose or another, known technically as *ghurm*.

The *ghurm* is a levy the tribe imposes on itself when it wishes to collect funds for war, or a sum for the payment of the blood-wit (*diyah*), or for the cost (*qīmah*) of entertaining a guest. Sayyids never paid this *ḍarībat al-ghurm*, nor the blood-money tax (*ḍarībat al-dam*). The tribe divides it out (*yifarriq*[34] *'alā*) amongst its members (*al-qabīlī yitgharram ma' aṣḥāb-ih*), and when for instance there has been a large entertainment the tribe makes the levy on itself secretly to meet the costs, without the guest knowing anything of this.

The way in which *hijrah* (pl. *hijar*) is accorded—mainly to Sayyids, but as in the case of Bayt al-Aḥmar it can be accorded to others[35]—is that the tribes assemble together and decide to grant a certain person protection because of his sanctity, etc. The person so protected does not fight and is not molested. The Sayyids are called *hijrah al-qabīlah* and the Sayyid is *muḥtaram muhajjar min kulli shī*, respected and protected from everything. The tribes are at his disposal and respond to his call (*al-qabā'il taḥt irādat-ah tulabbī ṣawt-ah*). Should any attack the Sayyids, the Shaykh al-Bilād will say, '*Dhā hijrat-nā wa-"tadā 'alayh*, This is our *hijrah* and he has attacked him.' The tribes then rise to fight in defence of him. 'Indeed,' said my friend, 'if I, a Sayyid, am insulted in any way, the tribes will bring *'aqā'ir* sacrificial animals, to me, so as to conciliate me (*tākhudh minni 'l-riḍā*).' These beasts must be slaughtered at the door of the Sayyid's house.[36]

Since he does not fight, the *hijrah* person can act as an intermediary between the tribes. A tribesman will say, 'I shall go to my protected person (*Asīr 'ind al-hijrah*).' He means that he will go to him for arbitration and in this context *hijrah* almost takes on the meaning of arbiter. The men of religion (*rijāl al-dīn*) called *hijrah* are thus taken as a *marja'*, reference, therefore arbiter, and a *qudwah*, an example to imitate. The tribesman acting as a soldier does not enter the houses of men of learning (*buyūt al-'ilm - mā yadkhul al-qabā'il al-junūd 'inda-hum*), and the men of religion give these troops no maintenance (*nafaqah*) as the local tribe would have to do. Among the conditions of the people who are *hijrah* is that 'conscription' (*tajnīd*) does not apply to them, i.e. when the Imām sent for troops to a tribal district and each house produced a man or two for the army, the *hijar* were not obliged to send anyone. The *hijrah* Sayyid judges also in cases of marriage and divorce or quarrels of any sort. He writes amulets for men called *ta'wīḍah* and for cattle and camels then called *ruqyah*. This last function frequently figures in the biographies in Zabārah's *Nashr al-'arf*, and Imām Yaḥyā was often approached by the tribesman to cure his ailing cow by such means. Whether any ulema would object to the practice I do not know. For this some sort of recompense would certainly be given, but there seems also to have been more or less voluntary gifts called *ḥarīz* made by tribespeople to Sayyids in accordance with a man's means or wishes.

The tribe does nevertheless have some control over the *muhajjar* person, for it can instruct him to desist from acts of which it disapproves, or 'we shall declare ourselves quit of protection for you (*natabarrā min al-hijrah lak*).' On his part, if the *hijrah* finds that the tribespeople have not been treating him properly or looking after his defence, etc., he could say, 'I declare you free of your (obligation) to protect (me), *Anā abrī-kum min al-tahajjur*.'[37] This is effected by a proclamation (*ẓāhirah*) which a *dawshān* or the *muzayyin al-qaryah* will go to a high place and declaim. These principles are exactly illustrated in the case of the celebrated supporters of the Prophet Muhammad in the Meccan period, Abū Bakr, when he absolved his protectors from further obligations to defend him, and in a similar case when one of the

30 This can only be effected by the offender paying a *ghurm*. The verb in the imperfect I have heard pronounced *yighram* and *nighrim*. *Hajjar* here applied to the town would mean *ja'ala-hā muḥtaramah*.

31 For Jaḥānah see Zabārah's description, *A'immat al-Yaman* (2), I, Ta'izz, 1372 H, 36.
Ṣirwāḥ is the *ḥajar* of Arḥab, their *hijrah*. When al-Zubayrī broke away from Ṣan'ā' during the Egyptian occupation he wished to assemble both the Royalist and Republican tribes at Ṣirwāḥ of Arḥab because this was where they traditionally assembled—Hamdān, Arḥab, Nihm, Sufyān, Hamdān Ṣa'dah etc. See Nashwān's definition of the *ḥajar* at the beginning of this section.

32 Qāḍī Ismā'īl does not agree that Sinḥān had this special link with Ṣan'ā'.

33 The word is still in common use in this sense in the Yemen, in Arḥab for example.

34 One says, *yiftariq diyat-ah*. Cf. p.154 passim. Zuhayr (*Sharḥ Dīwān Zuhayr b. Abī Sulmā*, Cairo, 1384/1964, 17, 26), uses *gharāmah* in the same sense—wounds are paid for by instalments as a *gharāmah* without shedding blood. Wāqidī, *al-Maghāzī*, ed. Marsden Jones, London-Oxford, 1966, 628, says, Muḥammad dissociated himself (*bari'a*) from a brigand attacking Quraysh caravans, and Abū Sufyān agrees Muḥammad is not liable for blood-money (*diyah*) of *ghurm*. Al-Qālī, *al-Amālī*, 74, explains *ghurm* exactly as the Zaydīs use it, *Ṣāra fulān-un ma'qulat-an alā qawmi-hi ghurm-an yu'addūna-hu min amwāli-him*.

35 I was informed that *muzayyins*, *dawshāns* and even Jews can be *hijrah*; though of course they would not have the standing and function of Sayyids and others, it is agreed by all my informants that they were well treated by the tribes.
See S.D. Goitein, 'Portrait of a weavers' village', cited p. 419, n. 132, and ibid, 19.

36 The medieval *Talqīḥ al-ḥukkām* appended to *K. al-Tabyīn* of Yaḥyā . . . al-Qaḥṭānī of al-Bayāḍ (perhaps the village of the Jaḥānah district), has an example of the penalties paid for insulting one of the Prophet's house, fol. 43 r., 'Whoever scores (*jamash*) with his hand, the cheek of a Sharīf of the family of the Apostle of God must pay a sheep (*kabsh*) costing ten *dirhams* for each place (marked by) a finger. If he be one of those who bear the Qur'ān (*min ḥamalat al-Qur'ān*), an ascetic (*zāhid*) in the World, God-fearing (*taqiyy*), practising ('*āmil*) a virtuous *faqīh*—ten dinars. If he is a Sharīf a dinar for every place (marked by) a finger. If it is other people a dinar and half dinar (outright?), and if a woman half of the estimate of what her husband is.'

37 This is precisely in accord with what is laid down in the *K. al-Ādāb wa-'l-ta'āzim fī aḥkām al-man'ah* which I am editing along with the Rossi Mss. on tribal law.

Prophet's followers terminated an undertaking of protection given him, he did so publicly at the place of prostration (*masjid*) in Mecca.[38]

Ḥabshūsh[39] confirms what has been said above.

> Those people called *qarār*[40] are different from the people called *hijar*[41] because the *hijar* have a special distinction (*mīzah*) and honour (*nāmūs*) with the tribes (*qabā'il*); they make of them judges (*quḍāh*) to judge between them and they enter into (marriage) relations with them (*yunāsibū-hum*).[42] They are the people who come and settle in the country (*bilād*) and gain possession in it.[43] If they do not care to enter into what the tribes enter—war, raids (*maghāzī*), or some indemnity which the tribes have to pay (*li-ṣā'ibah mimmā ṣawwabū-hu*) they have the right (not to do) that. They call them *hijar* and no-one may ever molest them. If someone does molest them by some wrongful act (*khaṭā*),[44] plundering (*nahb*), (offensive) talk (*qīl*), or anything else, the tribes, all of them, rise and start up on account of this thing of theirs (*'alā ḥijjat-hum*)[45] just as the protector rises up on account (of something done to) his protected person.

That the protected categories, known as *hijar,* existed in the Ṣan'ā' district in the pre-Islamic period has been strikingly demonstrated to me by Professor Maḥmūd al-Ghūl, quoting inscription Ry. 508 which contains the line *wb'š'b|ḏhmnd| whgrhmw/w''rbhmw,* that is to say—the tribes of Hamdān, and their *hijar,* and their tribal/bedouin Arabs.

It seems to me probable that even when Ṣan'ā' had an Imām ruling over it, part of the political sub-structure of such power as he wielded must have included some kind of tribal agreement to protect Ṣan'ā'. If al-Radā'ī's *Urjūzah* belongs to the 3rd/9th century, it would tend to indicate that under an 'Abbāsid governor the integrity of the city was guaranteed by the Abnā' and the Banū Shihāb. It may be that when the Yemenite histories are made available to us, further indications of the tribal political relation with Ṣan'ā' could reveal themselves. How the political inter-relationship of the city and the surrounding tribes was affected by the presence of foreign rulers at Ṣan'ā' such as the Ayyūbids, Mamlūks, and the first Ottoman Turks, it is impossible, from such evidence as we have up to date, to say, naturally the economic inter-dependence could not be much affected.

Sayyid Muḥammad al-Ghaffārī told me that there are seven tribes (*qubul*) involved in the *taḥjīr* or guaranteed inviolability of Ṣan'ā'—Hamdān, which as we have just seen from the inscription above, had *hijar* before Islam, Bani 'l-Ḥārith, and Banī Ḥushaysh on the northern side, and on the other sides or districts, Banī Maṭar on the west who claim Bustān al-Sulṭān as Maṭarī[46] territory, Sinḥān, Bilād al-Rūs, and Banī Bahlūl who are a part of the great Khawlān confederation, and are adjacent to the Ṣan'ā' mountains. By all of these the city was *muhajjarah,* a *hijrah* guaranteed by most northern tribes, as a Sharaf al-Dīn Sayyid told me, so they could sell their produce and buy necessities there—Ṣan'ā', as he put it, was *ḥaram,* inviolate. Khawlān are known also to make certain claims to part of the city.

Of course Ṣan'ā' has been captured and plundered more than a few times since the argument as to its being *maḥfūẓah* of al-Rāzī's day, and harsh treatment meted out to it by such conquerors as the Ṭāhirid 'Āmir, the Mamlūks and others. After the Ottoman Turkish surrender of Ṣan'ā' to the Zaydīs in 1038/1629 Ṣan'ā' in native hands may not have suffered major inroads on its security, but during the second Ottoman Turkish occupation, the customary and tribal inviolateness (*al-ḥaṣānah al-'urfiyyah wa-'l-qabaliyyah*) was raised, and the tribes used to attack Ṣan'ā', but without consistency (*bi-dūn ḍarāwah*). Inside the city Arab opponents of the Turks seemed to have delighted in blowing up buildings.[47] Then, as al-Ghaffārī said, Ṣan'ā' was *muhajjarah* in the days of Imām Yaḥyā, but Imām Aḥmad rent it open (*ikhtaraqa-hā*) when his tribal supporters plundered it after the collapse of the Bayt al-Wazīr take-over in 1948. The tribal sack of Ṣan'ā' made a lasting impression on the Yemenis and has still not been forgotten.

There were probably written undertakings respecting the *taḥjīr* of Ṣan'ā' and al-Ghaffārī was of the opinion that such *qawānīn* probably still exist, though nobody knows where. We know that the blood-feud between tribes, mutual enemies, does not run in Ṣan'ā', as in any other protected place. Nor could arms be borne in the town.[48] A case was cited to me illustrative of the workings of this institution in Ṣan'ā'. 'Ibn al-Bukhaytī (of one of the two branches of the Ḥadā shaykhs) slew his foe, a murderer, inside Ṣan'ā'—it being *muhajjarah.* So he was first compelled by the Government to make Ṣan'ā' respected (*taḥjīr*) again by paying a fine (*ghurm*) and slaughtering a sacrificial animal (*'aqīrah*) for the city. The person who commits any wrongful act will "*hajjar*" it—slaughter an *'aqīrah*[49] at it for the town—it must be slaughtered at the Gate of the town.' The beast, a bull, is slaughtered for the town (*tu'qar li-'l-bilād,* basically it is 'for the name of the town (*'alā ism al-bilād*).' During the Ḥamīd al-Dīn period it was slaughtered at the Ḥukūmah, Government Offices. In 1974 I saw cattle tethered as *'aqīrahs* outside al-Qaṣr al-Jumhūrī (the Republican Palace). It appears however that an *'aqīrah* is not always, in practice, actually slaughtered or hocked.

With the centralisation of power under the Ḥamīd al-Dīn Imāms, Yaḥyā in particular, the *hijrah* in general, for there are many *hijrahs* in the Yemen, naturally became greatly weakened as an organisation. Officials of the Imām's Government replaced the authority of the protected residents of the *hijrah,* so that, today, there remain far fewer evidences of its functionings than in the previous age. A tribesman, I am informed, who murdered in the *hijrah* during the days of the Ḥamīd al-Dīn would be seized and handed over to the civil authority. In addition to paying the blood-wit (*diyah*), he would also have to pay a fine called *hajar,* for having murdered in that place. This fine for the *hijrah* corresponds exactly to the additional payment made for violating the Ḥaḍrami *ḥawṭah.*[50]

Unlike other Sayyid houses, it appears that the Ḥamīd al-Dīn

38 Ibn Hishām in A. Guillaume, *Life of Muhammad,* Oxford-London, 1955, 171, 169.

39 *Travels in Yemen; an account of Joseph Halévy's journey to Najran in the year 1870 written in San'ani Arabic by his guide Hayyim Habshush,* ed. S. D. Goitein, Jerusalem, 1941, 31. Cf. for a *sūq muhajjarah.* Hebrew text, 99. The *K. al-Adāb wa-'l-lawāzim,* op. cit., has 15b., a section, *Mas'alah: Qabīlah ṣāḥū fī sūq anna-hu ḥaram-an āmin-an li-'l-qātil wa-'l-maqtūl,* A tribe that proclaim in a market that it is a *ḥaram* (inviolate) to the murderer and murdered.

40 Cf. C. de Landberg, *Arabica V,* Leiden, 1898, 100, the plur. of *qarawī, gens de métier, ouvriers.*

41 The vowels, not found in the text in Hebrew character, are supplied by analogy.

42 This could mean that they inter-marry, but as a Yemeni once said to me—it is not permitted to a Qaḥṭānī to marry an 'Adnānī, meaning that one (a girl) of the Prophet's house may not marry outside it. I believe however that this rule is not strictly observed. On the other hand Sayyids do marry tribal girls.

43 *Yatamallakū fī-hā,* sense uncertain. It could mean to obtain property in it, or to become as kings.

44 *Khaṭā,* could mean some accidental act but this is unlikely here. It was pronounced *khaḍā,* as with Class. *ḍād.*

45 Cf. *ḥijjah* in *Gloss. daṭ,* 356.

46 People speak of, *'Ḥukm Banī Maṭar fī sūq-hum,* The law of the Banī Maṭar in their market.' They administer the land on which the market is held as it belongs to them—this being an oppresive rule (*ḥukm jā'ir*), as understood by others. Identical proverbs exist with the names Banī 'Inān, well-known Mashāyikh in al-Suḥūl of Ibb province and their market Sūq al-Sabt or Sūq al-Suwayq, and of 'Idhar, a *baṭn* of Ḥāshid with their Sūq at al-Qaflah (Qāḍī Ismā'īl, unpublished). It means they are a law unto themselves.

47 *A'immat al-Yaman* (2), passim.

48 Cf. p.149b.

49 Another sort of *'aqīrah* is to put down (when I have seen this happen the object was thrown down!) your *'imāmah* or *jambiyyah* on the ground in front of the person you are invoking, and say, *'Hādhā jāh Allāh 'ind-ak 'imāmāti/ jambiyyati/bunduqi,* etc. This is God's honour/protection (?) with you, my turban/dagger/rifle.' *Jāh* is a most difficult word to render accurately, but see *Gloss. daṭ.,* 325, with the senses also of power, dignity.

50 Cf. 'Ḥaram and ḥawṭah', op. cit., 46.

had no special *hijrah* of their own, but, in fact Ḥāshid *hajjarat* al-Imām Yaḥyā—perhaps when his election by the ulema as Imām was supported by the tough paramount chief, Nāṣir b. Mabkhūt of Bayt al-Aḥmar.

As an interesting sidelight on how the *'aqīrah* can be employed in the political game, after Imām Yaḥyā's murder in 1948 at Ḥizyaz, a little south of Ṣan'ā', Imām Aḥmad got a certain 'Alī b. 'Alī al-Faqīh to slaughter four dogs at some of the tribes, one of these tribes being Arḥab. This was in order to put the shame on them (*yinakkif-hum*, i.e., *yi'ayyib-hum*) so as to stir them up, as if he were saying to them, 'The blood of people (of nobility) has, in your eyes, become like that of dogs (unclean animals for whose blood, hunting dogs apart, no compensation is sought).' It implied that 'Alī b. 'Alī was saying, *'Hādhā 'inda-kum yā Arḥab!*' If you do not rise to avenge (*tha'r*) them you are as dogs—this being the ugliest of things (*absha' ḥāl*) should it happen! So they rose as one man to avenge Imām Yaḥyā.

It seems that some of the Quḍāh, the Qāḍī class, with a position in certain respects analagous to that of the Sayyids, if resident in a *hijrah* have no obligation to participate in paying the *ghurm*, but others do. The Zaydī city of Dhamār used also to be *muhajjarah*, and the tribal villages around Dhamār were considered as the 'Doors' Abwāb Dhamār, but the *dā'ī*, the call or summons would be for the protection of the Sādah families, Ḥamīd al-Dīn, Sharaf al-Dīn, and 'Izz al-Dīn, not to the Quḍāh who were not considered *muhajjarīn*. My informant on this point was a member of the Qāḍī class himself. There is however apparently some difference of opinion as to whether the Quḍāh are excluded from the status of *hijrah* there. In support of the claims of the Quḍāh to be *hijrah* it is to be remarked that neither they nor the Sayyids paid for the entertainment of troops sent there by the Imām though the other Dhamārīs did. A case that might be further investigated is that of the Sayyid house of Bayt Ṣādiq in Hodeidah—because of whom the street in which they lived was regarded as *muḥtaram*, and they used to receive gifts. I understand however that they no longer enjoy this favoured position. Sayyid Aḥmad al-Shāmī informs me that in the Yemenite Tihāmah the *hijrah* does not exist, but he thought the Manṣibs (who in the area of the old Aden Protectorates were the lords of *ḥawṭahs*) had a position resembling that of the *hijrah*—this indeed seems to be the case.

Since learned scholars were often settled in the *hijrah* it often took on the character of a *hijrat 'ilm* a centre of learning renowned as a sort of school of the Islamic sciences and a place to which students resorted. Of this aspect of the *hijrah* Qāḍī Ismā'īl al-Akwa' has for some time been preparing a study of a comprehensive nature.

Several classical sources show how close the concept of the Yemeni *hijrah* is to that of the Prophet. Abū 'Ubayd[51] defines it in the following words, 'The *hijrah* is two *hijrahs*, the *hijrah* of the *bādī* (tribesman, countryman) and that of the *ḥāḍir* (settled man). Where the *hijrah* of the *bādī* is concerned it is his duty to respond when summoned (*yujīb idhā du'iya*) and to obey when he is ordered. Where the *hijrah* of the *ḥāḍir* is concerned it is the severer of the two in affliction and the greater in reward.' The sense is that the *bādī*, tribesman, when summoned *to fight* must do so, (but he does not have permanently to leave his country). The *ḥāḍir* on the contrary must abandon his native place and possessions. The fact that Abū 'Ubayd gives *hijrah* a religious implication should not prevent one from recognising it as a secular institution also.

51 *K. al-Amwāl*, Cairo, 1353 H., 219. 'Ā'ishah also makes the significant statement that there is no need for a Mu'min for *hijrah* as he can worship wherever he wishes.

52 Al-Hamdānī, *Iklil* I, ed. O. Löfgren, Uppsala, 1965, II, 67.

53 *K. al-Maghāzī*, II, 757.

54 Ibid, 745: Ibid, 730, mentions two tribesmen making a *hijrah* and *qudūm 'ala 'l-Nabiyy* (cf. 962). Ibn al-Athīr, *Nihāyah*, Cairo, 1311 H., IV, 239, says, 'A man would come to the Prophet and leave his people and property, not going back to any of it, and he would associate himself solely with his *muhājar*', the latter term explained as his 'place' of *muhājarah*.

55 *Ansāb al-Ashrāf*, ed. Ḥamīdullāh, Cairo, 1858, I, 257.

56 Ibn al-Athīr, loc. cit.

57 Ibid.

58 Muḥ. b. Sallām al-Jumaḥī, *Die Klassen der Dichter*, (*Ṭabaqāt al-shu'arā'*), ed. J. Hell, Leiden, 1916, 27.

59 Al-Jarmūzī, *al-Sīrat al-Mutawakkiliyyah*, 34.

60 Brockelmann, *GAL, Sup.*, II, 559, mentions only his *al-Hādī ilā sabīl al-irshād* which I have assumed is this work.

Hijrah in Early Islam

A Juhanī, hearing of the Prophet's arrival in al-Madīnah, came to him and said, 'Make a pact with me (*Bāyi'-nī*), Oh Apostle of God.' To which the Prophet answered, 'Is it to be an allegiance of the A'rāb (*bay'ah A'rābiyyah*) or a *bay'ah hijriyyah*?' The Juhanī replied that he desired a *bay'ah hijriyyah*.[52] This is to be explained in terms of the important passage of al-Wāqidī's *Maghāzī*[53] quoting directions attributed to the Prophet before the Mu'tah expedition. People who come over to the Muslims are to go to the *dār al-hijrah* and they shall have what the *muhājirūn* have and also the same duties. If they accept Islam and chose to remain in their own territory (*dār*) they shall be like the A'rāb, probably to be understood as the Tribal Arabs outside the centres like Medina or Mecca. They shall receive no booty unless they fight alongside the Muslims. If they refuse then they are to be summoned to pay the *jizyah* poll-tax. Like Islam itself, the *hijrah* makes a complete break (*yajubb*) with what went before it.[54] What is clearly intended is that all alliances, affiliations etc., prior to the *hijrah* of a person or group, are annulled by the *hijrah*. Allegiance to Islam and the Apostle supersede them. These quotations imply a new engagement, verbal or written, like the engagements into which the Prophet entered with the tribal Naqībs of Yathrib, and it is impossible to conceive of *hijrah* agreements which as a main item would not contain arrangements for protection. The very wording of al-Balādhurī[55] in allusion to the Prophet's agreement with the Naqībs indicates this, 'The Apostle of God had acquired protection and an abode of *hijrah* (*man'ah wa-dār hijrah*)', i.e. at Yathrib (Medina).

Ibn al-Athīr[56] gives a significant definition of *hijrah*, 'When Mecca was opened up (i.e. taken over by the Prophet) it became Dār al-Islām (Islamic territory) like Medina, and the *hijrah* was terminated (*inqaṭa'at*). The second *hijrah* was when the tribal Arabs (al-A'rāb) *hājarū* (emigrated leaving one's tribe, leaving the desert) and raided along with the Muslims but they did not do as those of the first *hijrah*.' It seems to me that the second massive *hijrah* of the Arab tribes may have become confused with the first *hijrah*, or more precisely the first two *hijrahs* to Abyssinia and Medina where the Muslims sought new protectors. The new situation after Mecca and Quraysh were incorporated in the Prophet's confederation (*ummah*) is expressed in the maxim, 'There is no *hijrah* after the opening up (of Mecca) but (only) war (*jihād*) and intent (*niyyah*).'[57] That *hijrah* implied certain obligations is clear from the tale of al-Nābighah[58] who, wishing to return to the *bādiyah* came to ask permission of the Caliph 'Uthmān who said to him, *'Al-ta'arrub ba'da 'l-hijrah lā yaṣluḥu'*. 'Uthmān however eventually did give him permission to go, but for a limited period. What he meant was that reversion to tribal circumstances, and presumably a looser tie with the Islamic state, was not approved.

A most interesting application of the directions attributed to the Prophet was made by al-Manṣūr billāh al-Qāsim b. Muḥammad who fought against the Ottomans in the first quarter of the 11th/17th century from al-Qārah and other places.[59] Al-Manṣūr billāh said in *al-Hidāyah*,[60] "The ordinance (*ḥukm*) of the *bawādī* (the tribesfolk of the country) of Ṣan'ā' (district) is that of the tribal Arabs (A'rāb) of the Muslims in the time of the Apostle of God, and they do not have the ordinance (*ḥukm*) of the *hijrah* or of the infidels (*kuffār*). It is the Muslims' duty to support (*naṣara*) them when they need, except against people with whom you have a pact (*mīthāq*)."'